REMARKS

ON

MR. GILBERT'S

BILL

For promoting the RESIDENCE

OF THE

Parochial CLERGY.

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BILL,

For promoting the RESIDENCE

OF THE

Parochial CLERGY,

BY

BUILDING, RE-BUILDING & REPAIRING

PARSONAGE HOUSES, &c.

Recommended to the serious perusal of the

PAROCHIAL CLERGY.

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REMARKS

ON

MR. GILBERT'S

BILL,

For promoting the RESIDENCE

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Parochial CLERGY.

TO call, the Bill in queſtion, a Bill for promoting reſidence, is not proper, becauſe there is not a clauſe in it that enforces reſidence: On the contrary, the preſent Laws reſpecting reſidence ſeem to be weakened by what is ſaid in p. 5, where

the payment of two per cent. extraordinary, by the non-reſident Incumbent ſeems to be a diſpenſation for non-reſidence.

And nothing in this act hinders the Clergy from letting their parſonage houſes, when improved by the powers of it.

2. If the act might not with greater propriety be called—An act for enabling and encouraging the parochial Clergy to build, and improve their parſonage houſes.

Nothing ſhould be ſaid about repairing, becauſe, if the preſent Laws are perfect, and well enforc'd in any eccleſiaſtical matters, it is in keeping up of parſonage houſes. The State of which is twice in a year repreſented to the Ordinary by the Churchwardens upon Oath; and Dilapidations are conſtantly and rigidly recovered by every new Incumbent. The caſe is, that many parſonage houſes were built five,

or

or ſix hundred years ago, and cannot be repaired to any effect: Like many Churches deſcribed in Briefs, they muſt be wholly taken down and rebuilt.

If the act interferes in the article of Repairing, it may create difficulties by claſhing with the preſent Laws on that ſubject, and give offence to the Biſhops; without whoſe ſupport the Bill will never paſs through the Lords.

The Preamble of the Bill ſhould, I think ſtate ſomething to the following effect—*viz.* That, through length of time, many parſonage houſes are fallen into decay and cannot be made conveniently habitable by the ordinary methods of Repair preſcribed by the Laws now in force, and that to render the ſame ſafe and commodious, they muſt be partly, or wholly taken down and rebuilt: That in ſome Pariſhes there are no parſonage houſes at all, for want of which the

ſaid

ſaid Pariſhes are deſtitute of the advantages of the reſident Rector; and that by degrees, as the old parſonage houſes by gradual decay fall into ruin, many more pariſhes in like manner are like to be deſtitute of parſonage houſes; And That becauſe the ſeveral Incumbents are unable or unwilling to rebuild, or improve their ſaid Parſonages, (in which they have generally only a Life-hold intereſt) at their own ſingle coſt and charge, having no means of recovering the ſmalleſt part of the ſame from their Succeſſors in their reſpective Pariſhes, tho' ſuch Succeſſiors muſt have equal, if not ſuperior Benefits from the improvements ſo made in parſonage houſes. To remedy this inconvenience, and that the Rectors of Pariſhes may be in part indemnified for ſuch uſeful and neceſſary Improvements, as they may make in their reſpective parſonage houſes, —

May

May it pleaſe Your Majeſty, &c.—

As to out buildings, a clauſe may be added to extend the act to them. But the preſent Laws are ſufficient for keeping up what are already built; and perhaps it were better not to encourage the building of more; as the keeping of them up, will be a great expence to future Incumbents.

A ſpecial Clauſe to be inſerted to include Vicarages and perpetual Curacies in this act.

Page 2, line 10, after ruinous and decayed—read—

That it muſt be in whole or in part taken down and re-built, in order to make it a ſafe and commodious habitation for the Incumbent of ſuch pariſh, it ſhall and may be lawful for every ſuch Incumbent, &c. as in the Bill down to Dioceſe in line 24, where omit the conſent of the Patron; on

whoſe *Caprice* the Miniſter and Pariſh ought not to depend for the means of the former's having a convenient houſe in the place of his duty, and of the latter's having the benefit of his reſidence.

Let not the value of the Advowſon be diminiſhed by any thing contained in this act, and the Patron will not object to it. But whether the ſuppoſed improvement ought, or ought not to be made, ſhould be referred ſolely to the Biſhop, who will be an able and impartial Judge, and not ſuffer the improvement to be made, if the Patron alledges any proper objection againſt it. But if ſuch improvement depends upon the Patron, he may wantonly, or maliciouſly, or covetouſly with-hold his aſſent.

And as Parſonages will frequently ſell better, which have no houſes, many patrons will not encourage the building of them. By this Bill, the Living is to be mortgaged

mortgaged for Seventeen years, to discharge the expence of the supposed improvement. Will a Living be worth as much with such a mortgage on it, as otherwise: Certainly it frequently will not. In these cases then, the Patron's consent cannot be expected. The Power given to Patrons in the subsequent part of this Bill, to make the improvements in the parsonage house, without the consent of the Incumbent, tho' at the Incumbents expence, is highly unjust and oppressive. The Rector is to do nothing, without the Patron; but the Patron is to do almost what he please, without the Rector. Is this fair towards the Clergy?

Indeed to speak freely, the Bill in its present form is inconvenient, and troublesome in the mode of execution, and oppressive and injurous to the Clergy; and, but what is worse, it is perfectly nugatory with respect to the end, it is intended to serve.

For,

For, ſuppoſe a Living to be of the yearly value of One Hundred and Fifty Pounds, and the Parſonage houſe, decayed and ruinous, and the Incumbent to obtain the Biſhop's and Patron's leave to expend Two years income, that is Three Hundred Pound upon it; The queſtion with the Incumbent will be, whether he be likely to live Seventeen years. If he thinks himſelf not likely to live to that period, he will not be very anxious about the condition of his houſe, and diſpoſed to give himſelf a great deal of trouble and leſſen his income, by improvements. If he thinks himſelf likely to out-live the mortgage, he will ſtand exactly under this act, as he did before it paſſed: That is the whole improvement, of which his ſucceſſor, are to reap equal Benefit, will be made out of his own pocket. And at the end of Seventeen years, his improvements will have coſt him Three Hundred Pounds; which

which he will think a very heavy rent for his parſonage houſe.

An averſion, which ſome Incumbents have to improve their parſonage houſes, ariſes from the knowledge they have, that the improvements they make at their own expence, is only putting Money into the hands of the lay Patrons, who ſell the Livings for more or leſs according to the condition of the parſonage houſes. A good parſonage houſe is a great Recommendation to a Purchaſer if the Situation be good. If not a Purchaſer will give more where there is no parſonage houſe at all; becauſe Reſidence, in ſuch a caſe will not be required; and the charge of repairing a parſonage houſe, and the incident Taxes will be ſaved. A Rector in the Country had an old houſe, not worth a Farthing, (built of Timber and Rubbiſh, probably Five Hundred years ago,) burnt to the ground. Q. Is there any law to make him

build

build a new houſe? If there be, who is to put it in force. Will the Biſhop take upon him that troubleſome and inviduous office. The Rector muſt ſtarve while the houſe is building. The Patron wiſhes there may be no houſe; becauſe the ſituation is not a pleaſant one. And has refuſed, over and over, to contribute one Farthing towards a new houſe. But if a good one be built at the Rector's expence, the Patron will ſell the Living accordingly: For the Living is at Sale. Is it to be expected that any houſe ſhould be built on that Living.

The Corruption of lay Patrons is the chief diſcouragement to the improvement of parſonage houſes. The Livings of Biſhops and Colleges have their parſonage houſes kept in a better ſtate, becauſe they are given to the Incumbents who ſhew themſelves willing enough to lay out their Money upon their Parſonages, when they know their Patrons will give them to

a worthy Succeſſor, in an honourable and conſcientious manner.

There is a capital Objection to the mode propoſed in this Bill, of improving parſonage houſes; namely, That it amounts to the import of a heavy Tax upon the parochial Clergy for putting their parſonage houſes into a better condition, and at the ſame time, that the Government pleads the public utility of ſuch a new Impoſition, it will not contribute one farthing towards it; but lays the whole Burden of expence upon thoſe, who are to confer the obligation upon the public. Is this juſt. Ought not the public to pay for the benefit it receives. The Government, for ought I ſee, might as well lay upon the Clergy, the expence of paving the ſtreets. If the public want the ſuppoſed improvements it muſt pay for them: if it does not, to what purpoſe is this Bill. There will come a time, I hope, when the Governors of Queen Ann's Bounty will give ſome

account

account to Parliament of the many hundred thouſand Pounds lock'd up in their hands, which is growing like the Muſtard-ſeed, and will, ſooner than is generally imagined, amount to a ſum ſufficient to buy the Fee-ſimple of the Kingdom. To what better purpoſe could ſome of this money be applied, than to the building of parſonage houſes. But

If, neither Government nor Patrons, nor Pariſhes, nor Biſhops will contribute any thing towards the good of Religion, and of the Public, and the Parochial Clergy muſt do what is thought neceſſary at their own expence; it would, I think, encourage the building and improving of parſonage houſes to give, by an act of Parliament, the Clergy who are diſpoſed ſo to lay out their Money, a power of recovering one Moiety of the Money, diſburſed by them, from their reſpective Succeſſors.

Let it be conſidered, whether if an Expence allowed by the ordinary upon proper

ſurveys

ſurveys and certificates, and under certain cautions, and not exceeding two years neat income of the Living were to be defrayed, one half by the perſon who builds, and the other by his Succeſſor.

Suppoſe for inſtance, I had occaſion upon a Living of 100l. per ann. to lay out 200l. upon the houſe, the Incumbent would then ſink one whole year's income and the intereſt of two hundred pounds for his life. Thus the houſe would coſt him not leſs than fifteen pounds a year during his life. Becauſe the Hundred Pounds ſunk might perhaps have purchaſed him an Annuity of Ten or Twelve Pounds; and the Intereſt of the other Hundred Pounds muſt be reckon'd at Four, or Five per Cent. This would be an heavy Burden, too great for moſt of the Clergy poſſeſſed of ſuch Livings. But ſome, for the ſake of living in their Pariſhes, and having their commodious Dwellings, might be induced to lay out ſuch Two Hundred

Pounds, provided their Executors could have One Hundred Pounds paid back at the Death of the Incumbent, who lays out the Money.

The ſucceeding Incumbent could not complain at paying the remaining Hundred Pounds, becauſe for that he has the Benefit of a good houſe during his Incumbency: And if he does complain, it cannot be help'd: As Pariſhes muſt have Miniſters, and Miniſters muſt have houſes. No ſcheme, that can be deſired would ſatisfy every Body: But it would certainly very much incourage the improving of parſonage houſes, were the Perſons, who make ſuch improvements, to receive part of the Money, they laid out, were it the half, or the third, from the ſucceeding Incumbent, who was to be benefited by the improvement. Such a Law as this is eſtabliſhed in Ireland and is thought very uſeful. But, I believe there, the Incumbent has too much latitude in laying out Money upon his Benefice. The improvement ought to

be

be limited, by the value of the Living.

Page 3. " And be it further enacted" &c.

Suppoſe inſtead of this method—The Rector ſhould be obliged, on oath before the Ordinary at the Viſitation, to deliver a true and diſtinct account of the Money actually advanced and paid in the improvement, or building of his parſonage houſe; according to the ſurvey before taken, and approved by the Ordinary, and purſuant to the cautions preſcribed by the act; and the ſaid accompt of diſburſements were order'd to be kept among the Archives of the Ordinary, together with the terrier of the lands reſpecting ſuch Pariſh, or otherwiſe, and that a copy of ſuch accompt taken, at the expence of five Shillings, from the Office of the Ordinary, and ſigned by him, to prove its authenticity, were made a ſufficient ground for the late Incumbent, his Executors, Adminiſtrators, or Aſſigns, to demand

demand and recover the Moiety of the Money disbursed by the late Incumbent. I do not see, that it signifies to the Ordinary, how the Money is raised; let the Rector be allowed to make the improvement requisite, and prove the disbursement: And the end is answered.

Ibid. "And be it further enacted that the Money so to be borrowed"—&c.

After what has been just now said, this whole Paragraph seems superfluous.

Page 4. "Provided always, and be it further enacted that every such Ordinary"—&c.

This must be struck out, because it clashes with a variety of Laws now in force, concerning keeping parsonage houses in repair: And is, besides, altogether foreign from the purpose of this act. See what I have

have ſaid before on this ſubject. Page 1.

Ibid. " And be it further enacted, that the Incumbent of every ſuch Living.' '&c.

Great part of this Paragraph will be ſuperfluous, if the preceding Principles are adopted. According to thoſe Principles, the Clergyman, who makes the improvement may get the Money where he pleaſe, and how he pleaſes—He will be intitled to no intereſt during his Incumbency; and afterwards only to the Moiety of his diſburſement: Which are to be certified as above directed.

Page 5.—And that every ſuch Incumbent, who ſhall not reſide (Six calendar Months) in the year——ſhall—pay Eight Pounds per cent.

2. If this be meant to interfere with, or ſuperſede the preſent Laws, which inforce

Reſidence

Residence, it will be very ticklish, and, I think, very imprudent to say any thing here on the subject of Residence. Non-residence will be in part removed by the beneficial tendency of this Bill. And the subject is of so much delicacy and importance, that it will require a special Statute, when ever the Government shall think fit to reinforce the present Laws concerning Residence.

Q. If the Clergy, who take the benefit of this act were restrained from letting their parsonage houses, whether it were not a wise Restriction. When a Rector letts his parsonage house, he virtually takes leave of his Parish, and exposes the Rectory to an increase of Land Tax; which the succeeding Rector, tho' he resides, is seldom able to get taken off. I wish it were never lawful to lett a parsonage house. There would then be but few non-resident Clergy.

Page 5. " And be it further enacted that at, or before the day" &c.

According to my Principles, this whole Paragraph is needleſs, excepting the Clauſe reſpecting fire. If a parſonage houſe be burnt, there is no Law for making the Rector build another. The houſe was originally built for the Rector; who was never at any time obliged to build one for himſelf, unleſs the parſonage houſe were ſuffered to fall down, or come to ruin, by his negligence in not repairing it; but in caſe of fire, and other accidents, independent of the Rector's care and attention: where the parſonage houſe is deſtroyed, there is no Law to oblige him to rebuild it; nor can it be expected from him, to ſtarve himſelf for the ſake of a houſe. The generality of Livings in this Kingdom are from about Eighty to One Hundred and Fifty Pounds per ann. Can a Clergyman out of this be expected to build a houſe at

the

the expence of Three or Four Hundred Pounds, he had better give up the Living; but this would not relieve him, were the Law to oblige him to build. So he muſt be ruin'd either way. If the Law requires him to build, as ſome affirm; he muſt do it according to the Mode preſcribed by the Ordinary. But the Ordinary will never take upon himſelf a troubleſome and invidious taſk of this nature. So that when a houſe is burnt down, there is but little probability of another being ever built.

If a Clergyman therefore, in the preſent ſtate, ſhould think it better to have no parſonage houſe than be at the expence of repairing it, he is only to get ſome perſon, who wiſhes him well, to ſet a Match to the old Timber and Thatch, and burn the houſe down. For this reaſon it were a pity, but that the Clergy were all obliged to inſure their houſes, ſo long as that can be done at a moderate charge.

Page 5, Laſt Paragraph to be totally omitted.

Page 6, And in order that the payment. dele this whole Paragraph, and alſo the 4 next.

Page 9, I highly approve of the form of the conſent of the Ordinary. But for reaſons above given, there is no need of the conſent of The Patron. The Incumbent ought not to be in ſubjection to the Patron. The Patron mayrequire a conſideration for his conſent, or with-hold it unjuſtly.

Page 10,

Form of the Mortgage unneceſſary.

Page 13,

Appointment of the Nominee unneceſſary.

Form

Form of order of the Ordinary, unneceſſary.

Page 14,

"Form ofcertificate of the two Clergymen."

It will ſave much trouble, if the Rector be obliged to ſtate his caſe to the Ordinary, upon oath, and the truth thereof certified by the oaths of Two Incumbents of the Deanery wherein ſuch Living ſhall happen to be; the Teſtimony of the Three may be received by the Ordinary, at his Viſitation, and contained in One, and the ſame paper: For the Two Clergymen need only atteſt their belief of the facts at the bottom of the inſtrument, and as the Clergy of the ſame Deanery attend the Ordinary together at his Viſitations, the whole buſineſs may be done without any trouble. The fees, however, for taking this Affidavit ought not to be left to the mercy of the Officers of the Ordinarv, who may take occaſion to demand

demand what they pleaſe of the poor Clergy, upon this new ſpecies of Buſineſs.

My wiſh is, to ſee this Bill purged of all unneceſſary matters, and recommending itſelf to the favor of Government by no infringement on the rights of Patrons, or Biſhops; by no difficulty, or expence attending the Execution of it; by keeping clear of all antiquities in the language of it; by a cautious forbearance to touch on any points, already provided for, by the Laws in being: particularly the Laws concerning Reſidence, or the juriſdiction of the Ordinary. If abuſes or defects are diſcoverable with reſpect to either, the rectifying of them is not the purpoſe of this Bill: And to charge it with any matters of that ſort would introduce confuſion into the Law, were the Bill to take place; but probably, by giving an Alarm to the Biſhops and Patrons, defeat the ſucceſs of the Bill.

The

The Author is ſorry, he could not give the Reader a partial copy of the Bill, on which he has taken the liberty to make his Remarks: But he was afraid of making his Pamphlet more bulky, than was conſiſtent with his deſign; and he doubted, whether it might not be conſtrued a breach of Privilege, to print a Bill while it is depending in the Houſe of Commons; but the Bill has been printed by order of the Committee, and a copy of it may be had, he preſumes, without difficulty.

FINIS.

THE Author having written his Remarks in a great hurry, expecting the Bill to come before the House, in a very few Days, sent them hastily to the Press, which he had not time to overlook; finds therefore, in the printed Copies, a Number of ERRATA, which he requests the candid Reader to correct, not only in the Pointing, where the Sense discovers an Error, but also to rectify the following Mistakes in the Text.

Page 10, Line 18, for *frequently*, read *sometimes*.
19, for *many*, read *some*.
11, 20, dele *but*
12. 19, for *Successor*, read *Successors*.
13, 6, for *improvements* read *improvement*.
8, after *who*, insert *frequently*;
for *the*, read *their*,
13, for *will*, read *may*;
16, after *be*, read *so strictly*.
14, 5, for *wishes there may*, read *does not much care if there be*,
dele *because the situation is not a pleasant one*.
12, after *will*, add, *endeavour to*,
19, after *given*, add *freely*.
15, 19, for *must* read *should*.
16, 3, for, *is*, read *are*.
17, 5, after *Successor*, add, *many of the Clergy would not be induced to improve their parsonage houses*.
6, for *I*, read *an Incumbent*.
9, for *one*, read *two*.
18, for *most*, read *many*.
21, for *their*, read *there*.
25, 12 after *unnecessary*, add, *and very troublesome*
l. 14, after *unnecessary*, add, *and very troublesome*.
27 9, for *antiquities*, read *ambiguities*.
38, 2, for *partial*, read *printed*.

THE Author having written his Remarks in a great hurry, expecting the Bill to come before the House, in a very few Days, sent them hastily to the Press, which he had not time to overlook: finds therefore, in the printed Copies, a number of ERRATA, which he requests the candid Reader to correct, not only in the Pointing, where the Sense differs an Iota, but also to rectify the following Errors in the Text.

Page 10, Line [illegible], read Amulum.
[illegible], read Am.
11, 20, dele [illegible].
12, 16, for Succeffor, read Successors.
13, 6, for improvements read improvement.
8, after quite, insert frequently.
for the, read their.
17, for cuill, read may.
18, after fe, read to Fritch.
14, 5, for neither there may, read does not
much concern if there be.
dele though the Remation is not a plain fact one.
12, after will, add, endeavour to.
19, after given, add freely.
15, 19, for may read Could.
16, 3, for is read are.
17, 2, after Succeffor, add, many of the Clergy would not be induced to improve their Parsonage houses.
6, for I, read an Incumbent.
9, for ons, read two.
18, for rest, read many.
21, for their, read there.
25, 12 after unnecessary, add, and very troublesome
I. 14, after unnecessary, add, and very troublesome.
27 9, for unsignificant, read unsignificant.
28, 2, for partial, read printed.